



JUDGE CHRISTINE BUTTS
HARRIS COUNTY PROBATE COURT NO. 4
HARRIS COUNTY CIVIL COURTHOUSE
201 CAROLINE, 7TH FLOOR
HOUSTON, TEXAS 77002
OFFICE (713)368-6767 FAX (713)368-7171

POWERS AND DUTIES OF THE GUARDIAN OF THE ESTATE

Bond and Oath

-Filed within 20 days of appointment. An appointee cannot qualify as Guardian and Letters of Guardianship cannot be issued without the Court's approval of the bond. The date the bond is approved by the Court is the date Guardian qualifies for Letters.

Inventory and List of Claims

-Filed within 30 days of taking oath and the Court's approval of bond. The Inventory must declare the value of the Ward's property as of the day the Guardian qualified (became eligible for Letters). Failure to file an inventory may result in your being removed as guardian and a successor guardian appointed.

Investment Plan

-Filed within 180 days unless waived by the Court. (The Court will typically make such determination after the filing of the sworn Inventory and List of Claims.)

Annual Account

-Filed *each year* within 60 days after the anniversary of taking oath and Court's approval of bond. Failure to file an Annual Account may result in your being removed as guardian and a successor guardian appointed.

Expenditures

-All expenses must be approved by the Court including attorney fees paid from the Ward's estate and cash allowances given to the Ward. (exceptions: premium for the Guardian's bond, court and filing costs, the Ward's taxes).

Investments

-Any new investments in stocks, bonds or other non-cash-equivalent instruments may only be made with Court approval. A plan for investment and retention of property may be required.

Sales and Abandonment of Property (personal property and real estate)

-Must be approved by the Court. If real estate or tangible property does not serve the Ward and poses a cost to the Ward's estate, it should be sold. Retention of such property will require Court approval.

Insurance

-Insurance must cover all property whenever the estate has the ability to pay the premiums. All cash must be deposited within the limits of FDIC/NCUA coverage (no more than \$200,000.00 per depository).

Filing Fees

- All these forms require a filing fee. You can obtain fee information from the Harris County Clerk's office @ 713-755-6425.

POWERS AND DUTIES OF THE GUARDIAN OF THE PERSON

The guardian of the person is entitled to the charge and control of the person of the ward, and the duties of the guardian correspond with the rights of the guardian. A guardian of the person has:

1. the right to have physical possession of the ward and to establish the ward's legal domicile;
2. the duty of care, control and protection of the ward;
3. the duty to provide the ward with clothing, food, medical care and shelter;
4. the power to consent to medical, psychiatric and surgical treatment other than the in-patient psychiatric commitment of the ward.

UPON APPOINTMENT

Upon appointment today, you will need to go to the Harris County Probate Clerk on the 8th floor to request "Letters of Guardianship". These letters are good for 1 year. The cost is \$2.00 per Letter. These are good to give to the living facility, school, day program, etc.

REPORTING REQUIREMENTS

1. The guardian must: Complete the annual report form one year from the date of appointment. You may make copies of the attached or obtain an Annual Report form on the web at:
http://www.cclerk.hctx.net/Probate/Downloadable_Forms.aspx
This form must be completed with original signatures and notary seal.
Copies are not acceptable
2. Sign, have notarized, and mail with a cashier's check or money order made payable to: **The Harris County Clerk's Office**. You may call the Clerk's office to inquire about the filing fee @ 713-755-6425. Personal Checks are not acceptable. Once you complete the form, please mail to the following address:

**Harris County Clerk's Office
Probate Department
P.O. Box 1525
Houston, TX 77251-1525**

3. When the Court receives your Annual Report from the Clerk's office, wait approximately 2 weeks to process then call the Probate Clerk's office at 713-755-6425 to order new Letters of Guardianship.

Failure to file this report will result in your being removed as guardian and a successor guardian will be appointed.

The guardian **must** contact the Court if the guardian or the ward moves with the new address.